

CONDOMINIUM PUBLIC REPORT

Prepared &

Issued by:

Developer WestPac Development Venture

Address 1001 Bishop Street, Suite 1500, Honolulu, Hawaii 96813

Project Name(*): Alii Lani Phase 1A

Address: 75-6081 Alii Drive, Kailua-Kona, Hawaii 96740

Registration No. 3314

Effective date: June 25, 1997

Expiration date: May 22, 1998

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports. Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

____ **PRELIMINARY:**
(yellow)

The developer may not as yet have created the condominium but has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.

— **FINAL:**
(white)

The developer has legally created a condominium and has filed complete information with the Commission.

[] No prior reports have been issued.

[] This report supersedes all prior public reports.

[] This report must be read together with

 X **SUPPLEMENTARY:**
 (pink)

This report updates information contained in the:

[] Preliminary Public Report dated:

[X] Final Public Report dated: March 22, 1996, the expiration date for which was
d to May 22, 1998

[] Supplementary Public Report dated:

And [] Supersedes all prior public reports

[X] Must be read together with Final Public Report for Registration No. 3314, which has an effective date of March 22, 1996, the expiration date for which was extended to May 22, 1998

[] This report reactivates the

public report(s) which expired on

(*) Exactly as named in the Declaration

FORM: RECO-30 286/986/189/1190/892/0197

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

☐ Required and attached to this report ☒ Not Required - disclosures covered in this report.

Summary of Changes from Earlier Public Reports:

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

☐ No prior reports have been issued by the developer.

☒ Changes made are as follows:

1. As set forth on page 6 of this Supplementary Public Report, the Bylaws of the Association of Apartment Owners of Alii Lani Phase 1A (the "Bylaws") have been amended by Amendment to the Bylaws of the Association of Apartment Owners of Alii Lani Phase 1A, dated April 25, 1997, and recorded in the Bureau of Conveyances as Document No. 97-057941 (the "Amendment"). The Amendment amends section 12.1 of the Bylaws, which pertains to Animals and Pets. The amendment to section 12.1 provides that an apartment owner may keep just one cat per apartment, provided the apartment owner receives authorization from the board of directors to do so. The amendment to section 12.1 also provides that dogs will not be allowed in any part of the Project, provided, however, that visually impaired persons may keep certified seeing-eye dogs, hearing impaired persons may keep certified signal dogs and physically impaired persons may keep certified service dogs in their apartments and may use such dogs as reasonably necessary to enjoyment of the Project.

II. CREATION OF THE CONDOMINIUM; CONDOMINIUM DOCUMENTS

A condominium is created by recording in the Bureau of Conveyances and/or filing with the Land Court a Declaration of Condominium Property Regime, a Condominium Map (File Plan), and the Bylaws of the Association of Apartment Owners. The Condominium Property Act (Chapter 514A, HRS), the Declaration, Bylaws, and House Rules control the rights and obligations of the apartment owners with respect to the project and the common elements, to each other, and to their respective apartments. The provisions of these documents are intended to be, and in most cases are, enforceable in a court of law.

- A. **Declaration of Condominium Property Regime** contains a description of the land, buildings, apartments, common elements, limited common elements, common interests, and other information relating to the condominium project.

The Declaration for this condominium is:

☐ Proposed
☒ Recorded - Bureau of Conveyances Document No. 96-010539
Book _____ Page _____
☐ Filed - Land Court Document Number _____

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]:

- B. **Condominium Map (File Plan)** shows the floor plan, elevation and layout of the condominium project. It also shows the floor plan, location, apartment number, and dimensions of each apartment.

The Condominium Map for this condominium project is:

☐ Proposed
☒ Recorded - Bureau of Conveyances Condo Map No. 2344
☐ Filed - Land Court Condo Map No. _____

The Condominium Map has been amended by the following instruments [state name of document, date and recording/filing information]:

- C. **Bylaws of the Association of Apartment Owners** govern the operation of the condominium project. They provide for the manner in which the Board of Directors of the Association of Apartment Owners is elected, the powers and duties of the Board, the manner in which meetings will be conducted, whether pets are prohibited or allowed and other matters which affect how the condominium project will be governed.

The Bylaws for this condominium are:

☐ Proposed
☒ Recorded - Bureau of Conveyances Document No. 96-010540
Book _____ Page _____
☐ Filed - Land Court Document No. _____

The Bylaws referred to above have been amended by the following instruments [state name of document, date and recording/filing information]:

Amendment to the Bylaws of the Association of Apartment Owners of Alii Lani Phase 1A, dated April 25, 1997, and recorded in the Bureau of Conveyances as Document No, 97-057941.

5. Special Use Restrictions:

The Declaration and Bylaws may contain restrictions on the use and occupancy of the apartments. Restrictions for this condominium project include but are not limited to:

[X] Pets: No pets or other animals permitted; provided that the board may authorize the keeping by owners of parakeets, canaries, aquarium fish, or one cat, subject to limitations as set forth in the Bylaws and the project rules.

[X] Number of Occupants: No more than two permanent residents per bedroom. Permanent residence is defined as residence of twenty-six consecutive days or more.

[X] Other: Apartments shall be used for residential purposes only; no "time-sharing" permitted.

[] There are no special use restrictions.

6. Interior (fill in appropriate numbers):

Elevators: <u>0</u>		Stairways: <u>13 (exterior)</u>		Trash Chutes: <u>0</u>	
<u>Apt. Type</u>	<u>Quantity</u>	<u>BR/Bath</u>	<u>Net Living Area(sf)*</u>	<u>Net Other Area(sf)</u>	<u>Identify</u>
<u>"A"</u>	<u>4</u>	<u>2/1</u>	<u>687</u>	<u>70</u>	<u>Lanai/Patio</u>
<u>"B"</u>	<u>12</u>	<u>2/2</u>	<u>723</u>	<u>70</u>	<u>Lanai/Patio</u>
<u>"C"</u>	<u>12</u>	<u>3/2</u>	<u>897</u>	<u>77</u>	<u>Lanai/Patio</u>
<u>"D"</u>	<u>16</u>	<u>2/2</u>	<u>775</u>	<u>102</u>	<u>Lanai/Patio</u>
<u>Total Apartments</u>	<u>44</u>				

**Net Living Area is the floor area of the apartment measured from the interior surface of the apartment perimeter walls.*

Other documents and maps may give floor area figures which differ from those above because a different method of determining the floor area may have been used.

Boundaries of Each Apartment: Each Apartment includes all walls, columns and partitions which are not load-bearing within the Apartment's perimeter walls, the inner decorated or finished surfaces of all walls, floors, ceilings, doors, door frames and window frames along the perimeters, all windows along the perimeters, the air space within the perimeter, the lanais, if any, shown on the Condominium Map to the inner decorated or finished surfaces of the perimeter walls of such lanais and to the interior edge of the exterior railings or other boundaries of such lanais, the storage area, if any, adjacent to the lanais as shown on the Condominium Map, all fixtures originally installed in the Apartment, and all pipes, plumbing (including water heaters), wires, conduits and other utility or service lines and facilities servicing only the Apartment. The Apartments shall not include the undecorated or unfinished surfaces of the perimeter party or non-party walls, the undecorated or unfinished surfaces of the doors, door frames and window frames along the perimeters, the interior load-bearing columns, girders, beams and walls, the undecorated or unfinished surfaces of the floors and ceiling surrounding each Apartment, the exterior edge of the exterior railings or other exterior boundaries of the lanais, if any, shown on the Condominium Map, the entry area shown on the Condominium Map, or any pipes, shafts, wires, conduits or other utility or service lines running through an Apartment which are utilized for or serve more than one Apartment, all of which are deemed common elements as provided in the condominium declaration.

Permitted Alterations to Apartments: Alterations or additions solely within an apartment or within a limited common element appurtenant to and for the exclusive use of an apartment shall require the written approval of the Board of Directors and all apartment owners directly affected, as determined by the Board of Directors. Any alteration or addition different in any material respect from the Condominium Map shall be commenced only pursuant to an amendment to the condominium declaration, as provided in Section L of the condominium declaration. The Developer may make certain alterations as provided in Section L of the condominium declaration. See Exhibit J to this public report.

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:
- A) Condominium Public Reports issued by the developer which have been given an effective date by the Hawaii Real Estate Commission.
 - B) Declaration of Condominium Property Regime.
 - C) Bylaws of the Association of Apartment Owners.
 - D) House Rules.
 - E) Condominium Map.
 - F) Escrow Agreement.
 - G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
 - H) Other: Declaration of Merger of Condominium Phases Alii Lani: Archaeological Preservation Plan.

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer and are on file at the Department of Commerce and Consumer Affairs. Reprints of Hawaii's Condominium Property Act (Chapter 514A, HRS) and Hawaii Administrative Rules, Chapter 16-107, are available at the Cashier's Office, Department of Commerce and Consumer Affairs, 1010 Richards Street, 3rd Floor, Honolulu, Hawaii, mailing address: P.O. Box 541, Honolulu, Hawaii 96809, at a nominal cost.

This Public Report is a part of Registration No. 3314 filed with the Real Estate Commission on March 30, 1995.

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☐ YELLOW paper stock ☐ WHITE paper stock ☒ PINK paper stock

- D. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

WestPac Development Venture

Name of Developer

By WESTERN PACIFIC DEVELOPMENT, LTD.
Its General Partner

By Curt D. DeWeese May 5, 1997
Duly Authorized Signatory Date

Curtis D. DeWeese, Vice President
print name & title of person signing above

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